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54 UNITED STATES DISTRICT COURT
55 DISTRICT OF NEVADA

56 ORACLE USA, INC., a Colorado corporation;
57 and ORACLE INTERNATIONAL
58 CORPORATION, a California corporation,
59 Plaintiffs,
60 v.
61 RIMINI STREET, INC. , a Nevada corporation;
62 SETH RAVIN, an individual,
63 Defendants.

64 Case No. 2:10-cv-0106-LRH-PAL
65 **DEFENDANTS' MOTION FOR**
66 **LEAVE TO FILE UNDER SEAL ITS**
67 **OPPOSITION TO PLAINTIFF'S**
68 **MOTION TO DETERMINE**
69 **DISPUTED JURY INSTRUCTIONS**
70 **AND ACCOMPANYING EXHIBITS**
B-E

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
 2 entered by the Court on May 21, 2010 (*See* Dkt. 55, “Protective Order”), Local Rule 10-5(b) and
 3 Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth
 4 Ravin (“Rimini”) respectfully requests that the Court grant leave to file under seal portions of its
 5 Opposition to Oracle’s Motion to Determine Disputed Jury Instructions (“Opposition”) and
 6 accompanying Exhibits B–E. A public, redacted version of this Opposition was filed on June 29,
 7 2015. Additionally, on June 29, 1015, the unredacted version of Exhibits B–E were filed under seal.

8 The Protective Order provides that: “Counsel for any Designating Party may
 9 designate any Discovery Material as “Confidential Information” and as “Highly Confidential
 10 Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in
 11 good faith believes that such Discovery Material contains such information and is subject to
 12 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of
 13 any Discovery Material as “Confidential Information” or “Highly Confidential Information-
 14 Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party
 15 reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

16 The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials
 17 for many types of information, including, but not limited to, trade secrets or other confidential
 18 research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,
 19 1211 (9th Cir. 2002) (citations omitted).

20 Sealing portions of the Opposition is requested because the document contains
 21 information that Oracle has designated as “Confidential” or “Highly Confidential Information –
 22 Attorneys’ Eyes Only” under the terms of the Protective Order. This information includes license
 23 agreements that Oracle has designated “Confidential” and “Highly Confidential Information –
 24 Attorneys’ Eyes Only.” The motion contains references to and portions of these license agreements
 25 that Oracle has designated “Highly Confidential Information – Attorneys’ Eyes Only” under the
 26 terms of the Protective Order. Disclosure of this information is likely to result in competitive harm
 27 to Oracle in future license agreement negotiations with current and potential licensees.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

A description of the Exhibits to be filed under seal referenced in this Opposition is included below:

1. **Exhibit B** consists of a copy of a license agreement between J.D. Edwards & Company and Dana Corporation.
 2. **Exhibit C** consists of a copy of a license agreement between J.D. Edwards & Company and Baxter Sales Corp.
 3. **Exhibit D** consists of a copy of a license agreement between Siebel Systems, Inc. and Keynote Systems.
 4. **Exhibit E** consists of a copy of a license agreement between Siebel Systems, Inc. and Novell, Inc.

Thus, in identifying the Opposition Exhibits which contain Confidential or Highly Confidential material Rimini contends that good cause exists for sealing Exhibits B–E.

Rimini has submitted all other portions of the Opposition as well as all other exhibits to the Opposition, for filing in the Court's public files, which would allow public access to the filings except for the documents Rimini has designated as Confidential or Highly Confidential. Accordingly, the request to seal is narrowly tailored.

For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file portions of this Opposition and accompanying Exhibits B-E under seal.

1 DATED: June 29, 2015

SHOOK, HARDY & BACON

2 By: /s/ Robert H. Reckers

3 Robert H. Reckers, Esq.

4 Attorneys for Defendants

5 Rimini Street, Inc. and Seth Ravin

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that on the 29th day of June 2015, I electronically filed the foregoing
8 document with the clerk of the court for the U.S. District Court, District of Nevada, using the
9 electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to
10 the attorneys of record who have consented in writing to accept this Notice as service of this
11 document by electronic means.

12 By: /s/ Robert H. Reckers

13 Robert H. Reckers.

14 Attorney for Defendants

15 Rimini Street, Inc., and Seth Ravin